

The Master and Wardens of the Company } Appellants:
of Haberdashers, London,

Her Majesty's Attorney-General, at the Re- } Respondents:
lation as well of the Inhabitants of the Parish
of Newland, in the County of Gloucester, and
the Poor thereof, as of the Poor of the Hospi-
tal or Alms-House, there founded by William
Jones and Humphry Jorden.

The Appellants
C A S E.

Anno 1614, the Charity
created.

Oct. 1622, 200 l. per ann.
purchased in Com. Hunts.
for this Charity, and 80 l.
per ann. for other Charities.

1674, Estate fell from
280 l. to 248 l. per ann.

Febr. 1701, Charity but
one month in arrear. Bill
filed

13 Dec. 1701, Decree.

This shews that all was
paid to the time of the Bill

THAT WILLIAM JONES (who was Free of the said Company) did, by his Will, (*int' al*) give 5000 l. to the Parish of Newland, for the Poor and Maintenance of a Preacher, to be paid to the said Company, who were to bestow the same, as it should seem best in their Reasons and Discretions, always for the Poor and a Preacher. In pursuance whereof, the said Company did purchase some Land at Newland, which (with what they laid out in Building an Alms-House and a House for a Preacher) amounted to about 1200 l. and the remaining 3800 l. together with 700 l. (of other Charitable Monies given for other Purposes) they did, in October, 1622, lay out in a Purchase of Lands in Huntingdonshire, of the then yearly Value of 280 l. (to wit) 200 l. per ann. thereof, was for the said Charity; and the remaining 80 l. per ann. was for other Charitable Uses; which Estate cost them in all 4500 l. and by Entries in their then Books, it appears, that they had not then either Money or Licence to purchase any more than the said 200 l. per ann. for the use of the said Charity; and therefore they then ordered the remaining 80 l. per ann. to be sold, (but the same was not done.)

That the Persons entitled to the said Charity, consisting of Sixteen Poor People and a Lecturer, were always supplied and maintain'd by the said Company, tho the said Estate of 280 l. per ann. (by the Loss and Decay of Rents) fell to 248 l. per ann. being less, by 32 l. per ann. than when purchased; and consequently there could not be 200 l. per ann. answered, out of the same, to the said Charity at Newland. Wherefore, and in regard the said Estate lay remote, and was like to fall still in value; the said Company, in 1674, did sell the said Estate for about 4600 l. 3800 l. whereof (and no more) belong'd to the said Charity at Newland; and the same was afterwards laid out, by the said Company, in the Purchase of other Lands, in or near Hatcham and Deptford in Surry, where the said Company had purchased other Lands for the Maintenance of other Charities appointed by the said Will, and they appropriated the Rents and Profits accordingly.

That the said Charity (without any manner of Complaint) was constantly maintained and supplied (for above eighty years afterwards) till the year 1697, when clipt and other Money was so bad, that the said Charity would not receive the same in *specie*, as it was paid by the Appellants Tenants. And tho in February, 1697, there was but about one Month in arrear, of the said Charity; yet some Persons near Newland (who have a mind, as is supposed, to get the said Charity into their own hands) Exhibited a Bill or Information, in the Respondents Names, into the Court of Chancery, complaining that the said Charity was not duly paid and maintain'd, but diminished and greatly in arrear, and that no Lands were appropriated for the Payment thereof; and praying an Account of the said Charity-Money, and how disposed; and that there might be a Performance of the said Trust: Unto which Information the Appellants put in an Answer; and the Cause came to be heard on the Twentieth of June, 1699, when it was refer'd to Sir John Hoskins, one of the Masters of the said Court, to examin and state the Matter; who having accordingly so done, the Cause came on to be heard on the Thirteenth Day of December last, (upon Exceptions taken to the said Report;) when the said Court (as the Order is drawn up) did order and decree, that the Appellants should make good, and be charged with the said 200 l. per ann. to the said Charity, and pay the Arrears thereof, from the time of the Bill; which the said Master was to compute, and tax the Respondents their Costs of that Suit to be paid by the Appellants, who were to set out of their own Lands, or purchase so much Land of Inheritance, as should effectually answer to the said Charity 200 l. per ann. which the said Master was to look into, and see the same settled in the Name of the Appellants, in trust for the said Charity, according to the said Will. And it was thereby declared, that the said Charity ought not to pay any Taxes, but the Preacher ought to pay Taxes out of his Salary. In pursuance of which Order, the said Master made his Report on the Twentieth Day of May last, and thereby charged the Appellants with 200 l. per ann. from Lady-day, 1698, to Lady-day, 1702, being four years, and allowed the Appellants (as paid to the said Charity in Money) no more than 166 l. 8 s. 4 d. per ann. so that he reported them Debtors 164 l. 13 s. 8 d. and refused to allow the Taxes paid by the Appellants for the said four years, and the Repairs of the Hospital, and of the Estate at Hatcham, and Loss of Rents, and Charges of Receiver and Returning of Money, and Carriage of Cloaths; all amounting to about 70 l. per ann. it being insisted by the Respondents Counsel, that the Appellants were, by the said Order, barred from such Allowances; and that the said Order was enrolled; which was a very great Surprize to the Appellants, who humbly insist, that the said 200 l. per ann. being in Lands, did and do pay Taxes, and are subject to the other Charges and Out-goings demanded by the Appellants, who never had more than 200 l. per ann. in Lands, for the said Charity; and if they should pay 200 l. per ann. (above the said Taxes and other Out-goings) it would amount to near 100 l. per ann. more than the said 200 l. per ann. And the Respondents do allow, that the Appellants do pay unto them 166 l. 8 s. 4 d. which, with Charges of Repairs, Receiving and Returning of Money, amounts to more than 200 l. per ann. besides Taxes; so that the Appellants are, and always have been, great Losers by paying the said 166 l. 8 s. 4 d. cleat, to the said Charity, out of Lands of 200 l. per ann. And they are likewise ordered to pay Costs, altho they have been, and are like to be such Losers as aforesaid, and are not in any Fault, nor ought to pay Costs, as they humbly conceive:

Wherefore they humbly appeal from the said Order, and pray that the same may be Reversed,
and the Appellants Relieved in the Matters aforesaid, touching the said Taxes,
Repairs, Allowances, and Costs, &c.

Edw. Jenings.
Rob. Thornhill.